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General Bankruptcy Counsel to
Chapter 11 Debtor and Debtor in Possession,
KOMBU KITCHEN SF LLC, dba NIBLL

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

In re:

KOMBU KITCHEN SF LLC, dba NIBLL,

Debtor and Debtor In Possession.

Case No. 2:23-bk-17276-SK

Chapter 11

Subchapter V

**APPLICATION OF CHAPTER 11 DEBTOR
AND DEBTOR IN POSSESSION TO
EMPLOY JULANDER BROWN &
BOLLARD LLP, AS SPECIAL
LITIGATION COUNSEL PURSUANT TO
11 U.S.C. § 327(e) OR IN THE
ALTERNATIVE, 11 U.S.C. § 327(a);
DECLARATIONS OF DIRK JULANDER
AND KEVEN THIBEAULT IN SUPPORT
THEREOF**

Hearing:

Date: September 4, 2024

Time: 9:00 a.m.

Courtroom: 1575

United States Bankruptcy Court
255 E. Temple Street
Los Angeles, CA 90012

Hon. Sandra R. Klein

WEINTRAUB ZOLKIN TALERICO & SELTH LLP
11766 WILSHIRE BLVD., SUITE 450
LOS ANGELES, CA 90025

KOMBU KITCHEN SF LLC, dba NIBLL, the Chapter 11 debtor and debtor in possession (“Kombu” or the “Debtor”) in the above-captioned bankruptcy case (the “Bankruptcy Case”), files this application (the “Application”) for an order authorizing the employment of Julander Brown & Bollard LLP (the “Firm” or “JBB”) as Debtor’s special litigation counsel, effective August 12, 2024, pursuant to Section 327(e) of Title 11 of the United States Code (beginning at 11 U.S.C. §§ 101, *et seq.*, the “Bankruptcy Code”), or in the alternative, Section 327(a) of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 2014-1(b)(1) of the Local Bankruptcy Rules for the Central District of California (the “Local Rules”), with compensation pursuant to Section 330 of the Bankruptcy Code.

The Debtor seeks to employ the Firm as its special litigation counsel to represent it in the two pre-petition lawsuits pending in the Alameda County Superior Court (the “State Court”) identified as *Aja de Coudreaux, et. al., v. Kombu Kitchens SF, LLC (dba “NYBLL”)*, et al., Case No. RG20058323 and *Ma De Jesus Vergara V. Kombu Kitchen SF, LLC (dba “NYBLL”)*, Case No. RG20057449 (collectively, the “State Court Actions”), which were consolidated with Case No. RG20058323 designated as the lead case.

As set forth in detail in section I.B. below, the Debtor requires litigation counsel to represent it in the trial of the State Court Actions, which the Debtor expects could be set for trial as soon as October 2024. The Firm, and two of its partners, Dirk Julander and Adam Tate, are well qualified to represent the Debtor in the State Court Trial, as they are seasoned trial court litigators and have previously represented the Debtor in unrelated litigation. In support of the Application, Debtor respectfully represents as follows:

I.

STATEMENT OF FACTS

A. The Debtor and its Business

The Debtor operates a commercial catering service providing nutritious, high-quality meals to corporations, professional sports teams and schools. The Debtor’s clients include four (4) independent schools in Orange County, California, and numerous corporate clients. The Debtor

operates three commercial kitchens in Fountain Valley, California, South San Francisco, California and Henderson, Nevada.

The Debtor is a California limited liability corporation which was established in April 2014. Kevén Thibeault is the Debtor's CEO and Kristen Thibeault is its Secretary. The company is owned by the Thibeaults. The company was founded to support health and wellbeing through the preparation and delivery of healthy food. Mrs. Thibeault survived cancer in 2008 and was inspired to build a business to promote food that heals and strengthens the body while boosting mental focus and energy.

On November 1, 2023 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, Los Angeles Division (the "Court"). The Debtor continues to carry out its business operations and manage its financial affairs as a Debtor in Possession pursuant to 11 U.S.C. §§ 1107 and 1108. Mark Sharf has been appointed as the Subchapter V Trustee in the Bankruptcy Case.

B. The State Court Actions and the Need for Litigation Counsel

On March 6, 2020, plaintiffs Ma De Jesus Vergara, Pahola Ramos and Roberto Reyes ("De Jesus Vergara Plaintiffs") filed an individual, class and representative action alleging wage and hour violations against defendants Kombu Kitchen SF, LLC (d/b/a Nybll), Kevén Thibeault, Kristen Thibeault, and Alfonso Ventura.

Thereafter, on March 11, 2020, plaintiffs Aja De Coudreaux, Zena Evans, Deaun Hwang, Vera Lopez, and Myriah Sims ("De Coudreaux Plaintiffs") filed an individual and class action against defendants Kombu Kitchen SF, LLC (d/b/a Nybll), Kevén Thibeault, and Kristen Thibeault also alleging wage and hour violations. On January 6, 2021, the De Coudreaux Plaintiffs filed a Second Amended Complaint adding a representative claim under the Labor Code Private Attorney General Act of 2004. The De Jesus Vergara Plaintiffs and De Coudreaux Plaintiffs are collectively referred to herein as the "State Court Plaintiffs."

The State Court Actions had been stayed since November 1, 2023 as to the Debtor as a result of its filing of the Bankruptcy Case, but not as to Defendants Kevén Thibeault and Kristen Thibeault.

1 Trial in the State Court Actions as to the Thibeaults was to commence on June 24, 2024. On May 21,
2 2024, the Thibeaults filed objections to the State Court Plaintiffs' claims in the Bankruptcy Case and
3 the Debtor joined in those objections.¹ In response, on May 22, 2024, at what was to be the Debtor's
4 plan confirmation hearing, the Bankruptcy Court lifted the automatic stay as to the Debtor in the State
5 Court Actions *sua sponte* so as to permit the State Court to liquidate the State Court Plaintiffs' claims
6 against the Debtor. The Bankruptcy Court continued the confirmation hearing to August 14, 2024.

7 A Notice of Lifting of Automatic Stay was filed in the State Court Actions on May 28, 2024.
8 At that time, the trial of the State Court Actions was set to commence on June 24, 2024. As a result
9 of the lifting of the stay, the State Court continued the trial to August 12, 2024.

10 In July 2024, the Debtor filed an application (the "G&R Application") to employ Garofolo
11 & Ramsdell, LLP ("G&R") as the Debtor's special litigation counsel, to represent the Debtor at the
12 trial of the State Court Actions. G&R had notified the State Court of its appearance as the Debtor's
13 counsel. However, this Court denied the G&R Application at a hearing held on July 17, 2024.
14 G&R subsequently moved to be relieved as the Debtor's counsel in the State Court Actions. In
15 light of that motion, the State Court took the August 12, 2024 trial date off calendar to permit the
16 Debtor a reasonable opportunity to find replacement counsel. The State Court will establish a new
17 trial date at a hearing to be conducted before it on October 1, 2024.

18 The Debtor has contacted seven firms seeking representation in the State Court Actions
19 going forward. All but one of those firms declined to represent the Debtor. The declining firms
20 commonly cited concerns including securing approval from the bankruptcy court, the lack of a trial
21 date, a potential lack of time to prepare in case of a shortened trial window, and a general concern
22 about taking on a client in bankruptcy.

23 The Debtor contacted JBB, which had represented the Debtor and Keven Thibeault
24 prepetition in an unrelated matter, to see whether it would have interest in serving as the Debtor's
25

26
27 ¹ The State Court Plaintiffs filed proofs of claim (Claim Nos. 25 and 26) collectively assert unsecured
28 claims exceeding \$11 million. The proofs of claim filed were unaccompanied by any documents
that support those claims. Proof of Claim No. 25 also was facially deficient and unexecuted.

1 litigation counsel in the upcoming trial in the State Court Actions. JBB indicated it would be
2 willing.

3 Consequently, the Debtor now wishes to retain JBB as its litigation counsel in the State
4 Court Actions and JBB has agreed to so represent the Debtor, pursuant to the requirements of the
5 Bankruptcy Code, and subject to approval by the Bankruptcy Court.

6 **II.**

7 **PROPOSED EMPLOYMENT AND QUALIFICATIONS OF THE FIRM**

8 **A. Services to be Performed**

9 JBB will represent the Debtor in the State Court Actions and the State Court Trial on an
10 hourly fee basis in accordance with the terms set forth in this Application.

11 **B. The Services to be Performed by Proposed Counsel will not Duplicate Services By**
12 **Other Professionals**

13 None of the services to be performed by JBB (litigation services) will duplicate the services
14 performed by any other professionals that have been employed in the Bankruptcy Case.

15 **C. Qualifications of the Firm**

16 Mr. Julander and the Firm are well qualified to be employed as Debtor's litigation counsel.
17 The Firm is a 5-attorney firm (with four additional attorneys who serve as Of Counsel) with a focus
18 on high-stakes business, technology, employment and real estate litigation. All attorneys employed
19 by the Firm are seasoned trial lawyers with significant litigation and trial experience. Mr. Julander
20 is a seasoned trial attorney of 30 years with a focus on complex business litigation practice.
21 Attached as **Exhibit 1** to the Declaration of Dirk Julander ("**Julander Decl.**") accompanying this
22 Application is a copy of the resumes of the attorneys of the Firm who may render services in
23 connection with the State Court Trial.

24 **D. Proposed Counsel Is "Disinterested"**

25 As set forth in the Julander Decl., to the best of the Firm's knowledge after full investigation,
26 other than the Firm's prior representation of the Debtor and Keven Thibeault in an unrelated
27 litigation matter that was settled in February 2023, the Firm does not have a business, professional,
28 or other connection with the Debtor, its insiders, creditors, any other party in interest, their

1 respective attorneys, the United States Trustee, or any person employed in the Office of the United
2 States Trustee. To the best of the Firm's knowledge after full investigation, the Firm is not related
3 to any judge of the United States Bankruptcy Court for the Central District of California, to the
4 United States Trustee, or any employee of the United States Trustee.

5 To the best of the Firm's knowledge after full investigation, the Firm is both disinterested
6 as that term is defined in Bankruptcy Code Section 101(14) and represents no interest adverse to
7 Debtor or its Estate.

8 The Firm is not owed any balance by the Debtor.

9 **E. Compensation Procedures**

10 The Debtor seeks to employ the Firm pursuant to Section 327(e) of the Bankruptcy Code,
11 or in the alternative, pursuant to Section 327(a) of the Bankruptcy Code. The Firm has agreed to
12 waive its customary requirement for a retainer. The Firm understands the provisions of Bankruptcy
13 Code Sections 327(a), 327(e), 330 and 331, which require, among other things, Court approval of
14 Debtor's employment of the Firm and of all fees and reimbursement of expenses that the Firm will
15 receive from the Estate for its services. The Firm will bill the Debtor for its services on an hourly
16 rate basis, plus reimbursement of actual, necessary expenses and other charges incurred by the Firm.
17 The Firm recognizes that the payment of any fees and expenses will be subject to Bankruptcy Court
18 order after notice and a hearing.

19 In compliance with Sections 330 and 331 of the Bankruptcy Code, the Firm intends to file
20 applications for allowance of fees and reimbursement of costs as and when appropriate. The time
21 billed to Debtor for professional services will be billed in one-tenth of an hour increments for time
22 actually expended, including reasonable travel time billed portal to portal. A list of the hourly
23 billing rates for the Firm's professionals and certain of the cost charges to which JBB will be entitled
24 to reimbursement is attached as **Exhibit 2** to the Julander Decl.

25 The Firm has not shared or agreed to share any compensation to be received by it in the
26 Bankruptcy Case with any other person.

27 This Application is brought in accordance with Bankruptcy Code Sections 327 and 330,
28 Federal Rule of Bankruptcy Procedure 2014, and Local Bankruptcy Rule 2014-1(b). For its legal

services related to the State Court Actions, the Firm has agreed to be employed pursuant to Bankruptcy Code Section 327 and compensated subject to the provisions of Bankruptcy Code Section 330.

IV.

CONCLUSION

WHEREFORE, the Debtor requests that the Court enter an order:

1. Granting the Application;
2. Authorizing the Debtor, based upon the foregoing and pursuant to Bankruptcy Code Sections 327(e) (or alternatively Section 327(a)) and 330, and in accordance with Federal Rule of Bankruptcy Procedure 2014(a) and Local Bankruptcy Rule 2014-1(b)(1), to employ the Firm as its litigation counsel in the State Court Actions, with compensation in such amount as the Court may hereafter allow in accordance with the law, on the terms set forth above;
3. Authorizing the Debtor's employment of the Firm to be effective as of August 12, 2024; and
4. Granting such other and further relief as this Court deems just and proper under the circumstances.

Dated: August 19, 2024

WEINTRAUB ZOLKIN TALERICO & SELTH LLP

By /s/ David B. Zolkin

David B. Zolkin

General Bankruptcy Counsel for Chapter 11 Debtor and
Debtor in Possession, KOMBU KITCHEN SF, LLC

DECLARATION OF DIRK JULANDER

I, Dirk Julander, declare and state as follows:

1. I am an individual over the age of eighteen and am an attorney at law licensed to practice before all the Courts of the State of California. I am a partner in the law firm of Julander Brown Bollard LLP (“JBB” or “the Firm”), with offices located at 9110 Irvine Center Drive, Irvine, CA 92618; telephone number (949) 477-2100; email: doj@jbblaw.com.

2. Except as otherwise indicated herein, the statements made in this declaration are based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

3. I make this declaration in support of the *Application of Chapter 11 Debtor and Debtor in Possession to Employ Julander Brown Bollard LLP as Special Litigation Counsel* (the “Application”) to which this declaration is annexed. Unless otherwise defined, all capitalized terms herein shall have the same meaning as in the Application.

4. The Firm is proposed special litigation counsel for KOMBU KITCHEN SF, LLC, the debtor and debtor in possession herein (“Debtor”), in connection with the Alameda County Superior Court cases of *Aja de Coudreaux, et. al., v. Kombu Kitchens SF, LLC (dba “NYBLLL”)*, et al., Case No. RG20058323 and *Ma De Jesus Vergara V. Kombu Kitchen SF, LLC (dba “NYBLL”)*, Case No. RG20057449 (collectively, the “State Court Actions”), which were consolidated with Case No. RG20058323 designated as the lead case.

5. Based on my experience and education, I believe I am well qualified to serve as Debtor’s litigation counsel in the State Court Actions. I am an experienced trial attorney who provides sophisticated legal counsel to corporate clients. In over 30 years of practice, I have successfully represented clients in a range of complex litigation matters. My resume and the resumes of other attorneys of the Firm are attached hereto as **Exhibit 1**.

6. The Firm will bill the Debtor for its services on an hourly rate basis, plus reimbursement of actual, necessary expenses and other charges incurred by the Firm. The Firm has agreed to waive its customary requirement for a retainer from the Debtor.

7. Prior to the filing of the Bankruptcy Case, I, on behalf of the Firm, represented the Debtor and Keven Thibeault, its CEO, as defendants in a lawsuit filed in July 2022 by the Grand Theater, Inc., in the Orange County Superior Court, Case No. 30-2022-01271164-CU-BC-CJC. By the lawsuit, a former landlord of the Debtor, which had operated from a commercial kitchen operating under a license agreement with the landlord, sued the Debtor and Keven Thibeault for various causes of action, including torts, for damage to the landlord's property and missing equipment. The complaint sought over \$150,000 in damages. The Debtor cross-complained for breach of contract and conversion, alleging the landlord failed to deliver the premises as promised and converted equipment from the Debtor. The cross-complaint sought damages of over \$30,000. The litigation settled and was dismissed with prejudice in February 2023. The Firm's fees were paid in full and no amounts are owed to the Firm. Neither I nor the Firm previously or subsequently represented the Debtor or any insider of the Debtor.

8. The Firm understands the provisions of Bankruptcy Code Sections 327, 330 and 331, which require, among other things, Court approval of the Debtor's employment of the Firm and of all fees and reimbursement of expenses that the Firm will receive from the Estate for its services. In compliance with Sections 330 and 331 of the Bankruptcy Code, the Firm intends to file applications for allowance of fees and reimbursement of costs as and when appropriate. The time billed to the Debtor for professional services will be billed in one-tenth of an hour increments for time actually expended, including reasonable travel time billed portal to portal. The Firm has agreed to reduce its hourly billing rates for this representation to the rates that it charged back in 2022 and 2023. A list of the hourly billing rates for the Firm's professionals and certain of the cost charges to which JBB will be entitled to reimbursement is attached hereto as **Exhibit 2**. The Firm has not shared or agreed to share any compensation to be received by it in the Bankruptcy Case with any other person.

9. To the best of my knowledge after full investigation, other than arising from the Firm's above-referenced prior representation of the Debtor and Keven Thibeault, neither the Firm nor its members have any business, professional, or other connection with the Debtor, its creditors,

1 any other party in interest, their respective attorneys, the U.S. Trustee, or any person employed in
2 the Office of the U.S. Trustee.

3 10. To the best of my knowledge after full investigation, no one employed by the Firm
4 is related to any judge of the United States Bankruptcy Court for the Central District of California,
5 to the United States Trustee, or any employee of the United States Trustee.

6 11. The Firm does not represent any interest adverse to Debtor or the Estate.

7 12. For its legal services related to the State Court Action, the Firm has agreed to be
8 employed pursuant to Bankruptcy Code Section 327(e), or in the alternative, Section 327(a), with
9 compensation subject to the provisions of Bankruptcy Code Section 330.

10 I declare under penalty of perjury under the laws of the United States that the
11 foregoing is true and correct. Executed this 19 day of August 2024, at Irvine, California.

12
13 
14 DIRK JULANDER

WEINTRAUB ZOLKIN TALERICO & SELTH LLP
11766 WILSHIRE BLVD., SUITE 450
LOS ANGELES, CA 90025

EXHIBIT 1

Firm Biographies

DIRK O. JULANDER

Mr. Julander is a seasoned trial attorney of over 30 years who focuses his attention on a business litigation practice in courts throughout the United States. His practice areas emphasize creative problem solving in connection with complex commercial litigation, credit card payments industry representing ISO's and acquirers in litigation, regulatory work and contract issues, business fraud and embezzlement litigation, trade secret misappropriation and employment litigation, corporate and partnership dissolution litigation and counseling, real estate litigation, and appellate advocacy. His work exhibits unconditional excellence in all aspects of the litigation process and problem solving.

Mr. Julander is a creative negotiator with many successful experiences in alternative dispute resolution. Mr. Julander is an active arbitrator volunteer for the Orange County Bar Association's mandatory fee arbitration program since 2000 to date and has also served as a judge pro tem for the Orange County Superior Court from 2010 to 2020.

Mr. Julander received his Juris Doctor Degree with Honors in May, 1987, from **The George Washington University, National Law Center**, in Washington, D.C. He received his Bachelor of Arts Degree *cum laude* in May, 1984 from **Weber State College** in Ogden, Utah.

ADMITTED:

The State Bar of California, 1987

United States Bankruptcy Court, Central District of California, 2010

United States Court of Appeals, Ninth Circuit, 2014

United States Court of Appeals, Seventh Circuit, 2019

United States District Court, Central District of California 1988

United States District Court, Northern District of California, 1994

United States District Court, Southern District of California, 2010

United States District Court, Eastern District of California, 2011

United States District Court, District of Nevada, *pro hac vice*, 11/2011, 4/2016, 9/2018 & 1/2022

United States District Court, District of Minnesota, *pro hac vice*, 7/2012

United States District Court, District of Utah, *pro hac vice*, 1/2013

United States District Court, District of Hawaii, *pro hac vice*, 10/2013

United States District Court, District of Idaho, *pro hac vice*, 4/2014

United States District Court, Western District of Washington, *pro hac vice*, 9/2014

United States District Court, Eastern District of New York, *pro hac vice*, 9/2014 & 3/2015

United States District Court, Southern District of Indiana, *pro hac vice*, 5/2019

Delaware Chancery Court, *pro hac vice*, 9/2018

APPELLATE PUBLISHED OPINIONS:

Depuy Synthes Sales, Inc. v. Orthola, Inc., 953 F.3d 469 (7th Cir. 2020); Metalclad Corp. v. Ventana Environmental Organizational Partnership (2003) 109 Cal. App. 4th 1705; Kim v. Superior Court (1998) 64 Cal. App. 4th 256; Palmco v. Superior Court (1993) 16 Cal. App. 4th 221.

APPELLATE UNPUBLISHED OPINIONS:

Champion Motorsports, Inc. v. Duo Li, No. E079215, 2024 Cal. App. Unpub. LEXIS 457 (Jan. 24, 2024) [for respondents, judgment affirmed]; Honolulu Data Entry Project, Ltd. v. D. Bello Assocs., United States Court of Appeals, Ninth Circuit (2018) Case Nos. 14-16940 and 14-16964 [for appellant in 14-16940 and for respondent in 14-16964, judgment affirmed]; Gazoo Energy Group, Inc., v. Sharp (2011) G044604, 2011 WL 6257509 [for respondent, judgment affirmed]; Mitchell v. Clewley, No. E044646, 2009 Cal. App. Unpub. LEXIS 1330 (Feb. 19, 2009) [for appellant, judgment reversed]; Altec Products v Gray (12/01/1999) Court Of Appeal Fourth Appellate District, Division Three, Case Number G021418 [for respondent, judgment affirmed]; Sealed Air Corporation, v. P.I., Inc., (11/23/99) Court Of Appeal Fourth Appellate District, Division Three, Case Number G020881 [for appellant, judgment reversed; petition for review denied in Sealed Air Corporation, v. P.I., Inc., (2/16/2000) Case Number S084774]; Amplicon, Inc., v. Sealed Air Corporation (11/23/99) Court Of Appeal Fourth Appellate District, Division Three, Case Number G021490 [for appellant, judgment reversed; petition for review denied in Amplicon, Inc., v. Sealed Air Corporation (2/16/2000) Case Number S084821].

ASSOCIATIONS:

The State Bar of California (Litigation Section); Orange County Bar Association (Business Litigation Section); J. Rueben Clark Law Society—Orange County Chapter (Board Member 2010-2012); J. Rueben Clark Law Society—San Fransico Chapter (Board Member 2024).

LANGUAGE:

Japanese

M. Adam Tate

(949) 350-8527; adam@jbblaw.com

EXPERIENCE

Julander, Brown & Bollard

Partner / Associate, September 2016 - Present.

- 100% success rate in trials and arbitrations, including trials conducted as the sole attorney.
- Regularly gone head to head with “big law” firms and have prevailed including cases against DLA Piper, BlankRome, and Dykema Gosset.
- Managed cases from client intake through final disposition.
- Conducted more than hundred depositions across the country.
- Successfully obtained complete dismissals for corporate defendant clients, including in multimillion dollar disputes.
- Negotiated favorable settlements on numerous employment cases including those involving wrongful discrimination, wage and hour claims, and PAGA.
- Drafted and argued countless motions, including motions for summary judgment.
- Managed complex document intensive cases involving hundreds of thousands of documents.
- Drafted appellate briefs for the California Courts of Appeal and the Federal Circuit Courts.

Shields Law Offices [Former Partner at Bryan Cave LLP and Morrison & Foerster]

Associate Attorney, January 2013 - September 2016.

- Involved in every major facet of commercial litigation, including trial, appeals, pleadings, law and motion, discovery, and legal research.
- Second chair in multiple trials including a three week jury trial in which the jury awarded a multi-million dollar judgment.
- Prevailed on numerous motions in both State and Federal courts, including several motions for summary judgment.

Legal Internships

- *Orange County District Attorney’s Office* – Gained significant courtroom experience by arguing contested evidentiary hearings including motions, preliminary hearings, a bench trial, and a jury trial.
- *Criminal Appeals Division of the Attorney General’s Office* – Reviewed appellate records, conducted research, and drafted appellate briefs.
- *5th District Court, St. George, Utah* – Drafted judicial opinions and memorandums, spent hours in court watching and analyzing court proceedings.

EDUCATION

J. Reuben Clark Law School, Brigham Young University

Juris Doctor

- Cum Laude / Dean’s List / Scholarship Recipient
- Law Review Senior Editor / Moot Court Board Member

Brigham Young University

Bachelor of Science, Psychology

- 3.79 Cumulative GPA / Scholarship Recipient

Catherine A. Close
CA State Bar No. 198549

Experience

Julander, Brown & Bollard, LLP **Irvine, CA** **2002-Present**
Senior Associate and Experienced Trial Lawyer

- More than 25 years' experience in business litigation
- Participated in countless trials in both state and federal courts
- Drafted and responded to civil motions, writs, and appeals
- Participated in numerous arbitrations, mediations, and settlement conferences
- Took and defended countless depositions
- Legal research (Lexis and Westlaw)

Law Office of Mark R. Matthews **Fountain Valley, CA** **1998-2002**
Associate

- Participated in more than 10 state court jury and bench trials
- Defended clients in administrative proceedings
- Drafted and responded to civil motions and appeals
- Participated in arbitrations, mediations, and settlement conferences
- Took and defended depositions
- Legal research

Arthur Close, Jr. & Assoc. **Long Beach, CA** **Various**
Summer Intern/Certified Law Clerk

- Organized client files in preparation for trial
- Drafted criminal motions, oppositions, and legal memoranda
- Interviewed witnesses
- Assisted investigators

Office of the City Prosecutor **Long Beach, CA** **1998-1999**
Certified Law Clerk

- Prosecuted traffic trial and other minor criminal offenses
- Argued motions under the supervisions of a Deputy City Prosecutor
- Negotiated plea bargains under the supervisions of a Deputy City Prosecutor

Education

Whittier College School of Law **LA/Costa Mesa, CA** **1995-1998**

- J.D. Degree, *Cum Laude*, Awarded May 1998
- Dean's Merit Scholarship, Academic Years 1995–1998
- Honor Roll, Academic Terms Spring 1997–Spring 1998
- Dean's List, Academic Terms Fall 1996 –Spring 1998
- Am. Jur. Award for Remedies, Fall 1997

California State University **Long Beach, CA** **1987-1993**

- B.S. Degree, Criminal Justice, Awarded May 1993
- President's List Spring 1992–Spring 1993

Highlights

- Licensed to practice before all California state and federal district courts
- Admitted *pro hac vice* in the US District Courts for the Southern District of New York (2011), the Northern District of Texas (2018), and the District of Nevada (2018)
- Proficient in Word, WordPerfect, Westlaw, Lexis, Abacus, TimeSlips, and Carat Legal

9110 Irvine Center Drive, Irvine, CA 92618
Direct: (949) 988-3637 / Email: cac@jbblaw.com

Rebekah Grace Chamberlin

949-468-6672 | bekah@jbblaw.com

EXPERIENCE

- Associate/Law Clerk**, *Julander, Brown & Bollard, Irvine, CA* August 2021 – present
- Research and draft various motions, memoranda, declarations, orders, and demand letters for business litigation clients
 - Prepare exhibits and other materials for bench and jury trials
- Managing Editor**, *BYU Education & Law Journal, Provo, UT* May 2019 – May 2021
- Mediation Extern**, *Small Claims Mediation, Utah County, UT* May – Aug. 2020
- Research Fellow**, *International Center for Law and Religion Studies, Provo, UT* May – Aug. 2018
- Legal Extern**, *Pacific Area Legal Counsel Office, The Church of Jesus Christ of Latter-day Saints, Auckland, New Zealand* May – June 2018
- BYU Sports Camp Counselor**, *Provo, UT* Summer 2017
- Assistant Manager**, *HERE, Provo, UT* Jan. – Aug. 2017
- Proselytizing Missionary**, *The Church of Jesus Christ of Latter-day Saints, Temple Square, Salt Lake City, UT* May 2015 – Oct. 2016
- Led, trained, and worked alongside women representing over 50 countries
 - Directed daily tours and oversaw guest relations for the most visited historic site in the Western US
- Sales Associate**, *Bed Bath & Beyond, Orem, UT* Aug. 2014 – Mar. 2015
- Healthcare Assistant**, *New Haven Residential Treatment Center, Spanish Fork, UT* Apr. – Aug. 2014
- Coordinated with a team to create and implement treatment plans for 16 teenage girls with emotional/mental health challenges
 - Maintained confidential daily written progress reports to aid in adjusting individual treatment plans

EDUCATION

- Juris Doctor**, *J. Reuben Clark Law School, Provo, UT* Apr. 2021
- Student in Mediation Clinic (Winter 2020)
 - Volunteer for Dilley Pro Bono Project in Texas (Feb. 2019)
 - Member of Animal Rights Club and Minority Club (2018-2019)
- Spanish Course Completion Level B1.2**, *Españolé International House, Valencia, Spain* Fall 2019
- Bachelor of Science, Family Life**, *Brigham Young University, Provo, UT* Apr. 2014
- Emphasis in human development

EXHIBIT 2

Firm Rates

RATE SCHEDULE

A. Identification

Clients: Kombu Kitchen SF LLC dba NIBLL

Case Name: *Kombu Kitchen State Court Trial*

Matter No.: To be assigned

B. Fees

Attorneys:

Partners/Of Counsel \$495-\$595/hour

Associates \$175-\$440/hour

Paralegals/Law Clerks \$125-\$250/hour

Legal Assistants \$25/hour

C. Costs and Expenses

Mileage 58 cents/mile

Copies 10-25 cents/copy

Postage actual cost

Computerized legal research actual cost charged by service provider (plus attorney/paralegal time)

Electronically stored information actual cost charged by service provider (plus attorney/paralegal time)

D. Subject to Change

The rates on this schedule are subject to change on 30 days written notice other than the hourly rates for associate attorneys and paralegals. As to those rates, they will be increased up to thirty-five dollars (\$35.00) per hour and ten dollars (\$10) per hour respectively effective January 1 of each year but will remain within the range indicated above. If you decline to pay any increased rates, we will have the right to withdraw as your lawyer.

DECLARATION OF KEVÉN THIBEAULT

I, Kevén Thibeault, declare as follows:

1. I am an individual over the age of eighteen and am the Chief Executive Officer of KOMBU KITCHEN SF LLC, dba NIBLL, the debtor and debtor in possession (“Debtor”) in the chapter 11 bankruptcy case (the “Bankruptcy Case”) now pending before this bankruptcy court (the “Bankruptcy Court”).

2. I make this declaration in support of the *Application of Chapter 11 Debtor and Debtor in Possession to Employ Julander Brown Bolland LLP as Special Litigation Counsel* (the “Application”) to which this declaration is annexed. Except as otherwise indicated herein, the statements made herein are of my own personal knowledge, and, if called upon, I would and could competently testify to their truth. Unless otherwise defined, all capitalized terms herein shall have the same meaning as in the Application.

3. My wife, Kristen Thibeault, survived cancer in 2008 and was inspired to build a business to promote food that heals and strengthens the body while boosting mental focus and energy. As a result, the two of us established the Debtor in 2014. The Debtor operates a commercial catering service providing nutritious, high-quality meals to corporations, professional sports teams and schools. Our goal is to support health and wellbeing through the preparation and delivery of healthy food. The Debtor’s clients include four (4) independent schools in Orange County, California, and numerous corporate clients. The Debtor operates out of three commercial kitchens in Fountain Valley, California, South San Francisco, California and Henderson, Nevada.

4. On November 1, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. Since that time, the debtor has managed its financial affairs as a debtor in possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

5. The Debtor, Kristen and I are all defendants in the Alameda County Superior Court actions identified as *Aja de Coudreaux, et. al., v. Kombu Kitchens SF, LLC (dba “NYBLLI”), et al.*, Case No. RG20058323 and *Ma De Jesus Vergara V. Kombu Kitchen SF, LLC (dba “NYBLL”),* Case No. RG20057449 (collectively, the “State Court Actions”). The State Court Actions, which commenced back in March 2020, were stayed as to the Debtor upon its commencement of the

1 Bankruptcy Case. The State Court Actions continued to proceed against me and Kristen personally
2 and were set to go to trial against us on June 24, 2024 until the trial was continued to August 12,
3 2024.

4 6. The Bankruptcy Court ordered that the automatic stay be lifted to permit the trial in
5 the State Court Actions to move forward as to the Debtor as well. Subsequent to the lifting of the
6 stay, the state court continued the beginning of the trial (the “State Court Trial”) to August 12, 2024.

7 7. Previously, the Bankruptcy Court authorized the employment of Bent Caryl & Kroll,
8 LLP (“BCK”) as the Debtor’s special litigation counsel in the State Court Actions, which
9 employment was effective as of the Petition Date. On May 31, 2024, however, BCK filed a motion
10 to be relieved as counsel in the State Court Actions. That motion is set for hearing on July 2, 2024.
11 As a result of BCK’s motion to be relieved as counsel, the Debtor required new litigation counsel
12 to represent it in the State Court Actions. On June 28, 2024, the State Court issued a tentative ruling
13 approving BCK’s motion to be relieved as counsel. In July 2024, the Debtor filed an application
14 (the “G&R Application”) to employ Garofolo & Ramsdell, LLP (“G&R”) as the Debtor’s special
15 litigation counsel, to represent the Debtor at the trial of the State Court Actions. G&R had notified
16 the State Court of its appearance as the Debtor’s counsel. However, this Court denied the G&R
17 Application at a hearing held on July 17, 2024. G&R subsequently moved to be relieved as the
18 Debtor’s counsel in the State Court Actions. In light of that motion, the State Court took the August
19 12, 2024 trial date off calendar to permit the Debtor a reasonable opportunity to find replacement
20 counsel. The State Court will establish a new trial date at a hearing to be conducted before it on
21 October 1, 2024.

22 8. The Debtor is now without counsel in the State Court Actions and is in dire need of
23 representation given the timing of the State Court Trial.

24 9. The Debtor has contacted seven firms seeking representation. All but one firm
25 declined. The firms that declined commonly cited concerns including securing approval from the
26 bankruptcy court, the lack of a trial date, a potential lack of time to prepare in case of a shortened
27 trial window, and a general concern about taking on a client in bankruptcy.
28

1 10. The Debtor contacted JBB, which had represented the Debtor and me in a previous
2 unrelated matter, to see if it would have an interest in serving as the Debtor's litigation counsel in
3 the upcoming trial in the State Court Actions. JBB indicated it would be willing.

4 11. Consequently, the Debtor now wishes to retain JBB as its litigation counsel in the
5 State Court Actions, and JBB has agreed to so represent the Debtor, pursuant to the requirements
6 of the Bankruptcy Code, and subject to approval by the Bankruptcy Court. As a result, the Debtor
7 has determined to employ JBB as its litigation counsel in the State Court Actions going forward.
8 Based upon the Debtor's prior experiences with JBB, and JBB's level of expertise as seasoned trial
9 lawyers, I believe it is in the best interests of the Debtor and the bankruptcy estate to employ JBB
10 to represent the Debtor in the State Court Trial, consistent with the provisions of the Application.

11 12. The Debtor does not owe any money to the Firm, and the Firm has agreed to
12 represent the Debtor without a retainer, subject to the approval of the Bankruptcy Court.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct. Executed this 16 day of August, 2024, at Laguna Niguel, California.

15 

16 _____
17 KEVEN THIBEAULT
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28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
11766 Wilshire Blvd, Suite 730, Los Angeles, CA 90025

A true and correct copy of the foregoing document entitled (*specify*): **Application of Chapter 11 Debtor and Debtor in Possession to Employ Julander Brown & Bollard LLP, as Special Litigation Counsel Pursuant to 11 U.S.C. Section 327(e) or in the Alternative, 11 U.S.C. Section 327(a); Declarations of Dirk Julander and Keven Thibeault in Support Thereof** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) August 19, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See attached NEF service list.

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) August 19, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

See attached US Mail service list

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) August 19, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Sandra R. Klein (Via Messenger)
United States Bankruptcy Judge
255 E. Temple St., Bin outside of Suite 1582
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 19, 2024
Date

Martha E. Araki
Printed Name

/s/ Martha E. Araki
Signature

In re Kombu Kitchen SF LLC

Case No. 2:23-bk-17276-SK

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Attorneys for Debtor Kombu Kitchen SF LLC: **Daniel J. Weintraub, David B. Zolkin, James R. Selth, Catherine Liu:** dweintraub@wztslaw.com; dzolkin@wztslaw.com; jselth@wztslaw.com; cliu@wztslaw.com; maraki@wztslaw.com; sfritz@wztslaw.com
- Subchapter V Trustee: **Mark Sharf:** mark@sharflaw.com; C188@ecfcbis.com; sharf1000@gmail.com; 2180473420@filings.docketbird.com
- Attorneys for American Express National Bank c/o Zwicker & Associates, P.C.: **Karen L. Belair:** kbelair@zwickerpc.com
- Attorneys for Creditors Maria de Jesus Vergara and Aja de Coudreaux, and Attorney Paul Pfeilschiefter: **Cody Alexander Bolce:** cbolce@themmlawfirm.com; enotices@themmlawfirm.com
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- Attorneys for Creditors Aja de Coudreaux and Maria De Jesus Vergara, and Attorney Paul Pfeilschiefter: **Paul Pfeilschiefter:** paul.pfeilschiefter@workerrightsattorney.com
- Attorneys for Interested Parties Keven Thibeault and Kristen Thibeault: **Craig Ramsdell:** cramsdell@garofololaw.com
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- Attorneys for Creditor Night Heron Oakland, LLC: **A. David Youssefyeh:** david@adylaw.com
- US Trustee's Office: ustpregion16.la.ecf@usdoj.gov; **Ron Maroko:** ron.maroko@usdoj.gov

2. Parties served via U.S. Mail:

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